

IN RE: PETITION FOR ZONING VARIANCE
N/2 Flagstone Drive, 312' SW
of the c/l of Cub Hill Rd. Ext.
(9410 Flagstone Drive)
9th Election District
6th Councilmanic District
Virginia M. Huettner
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-359-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front yard setback of 31.8 feet in lieu of the required front yard average of 50.4 feet for a proposed addition, in accordance with a Petitioner's Exhibit 1.

The Petitioner, by Gary N. Huettner, her son, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 9410 Flagstone Drive, consists of .465 acres zoned D.R. 2, has been the Petitioner's residence for the past 22 years. The Petitioner is desirous of having her son and his family reside with her as the property has become a burden for her since the death of her husband approximately 3 years ago. In order to provide adequate space for her son's family, the Petitioner proposes having an addition constructed as set forth in Petitioner's Exhibit 1. Petitioner and her son's family would reside together as a family. Testimony indicated that prior to filing the instant Petition, Petitioner discussed her plans with her neighbors who have indicated they have no objection to her plans. Mr. Huettner contended that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

missioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of March, 1989 that the Petition for Zoning Variance to permit a front yard setback of 31.8 feet in lieu of the required front yard average of 50.4 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartment. The addition shall contain no kitchen facilities.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

March 15, 1989

Ms. Virginia M. Huettner
9410 Flagstone Drive
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE
N/2 Flagstone Drive, 312' SW of the c/l of Cub Hill Road Ext.
(9410 Flagstone Drive)
9th Election District - 6th Councilmanic District
Virginia M. Huettner - Petitioner
Case No. 89-359-A

Dear Ms. Huettner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact L.S. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE #265 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-359-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section III 14.0.2 (1955 Regulations) To allow a front yard setback of 31.8 ft. in lieu of the required front yard average of 50.4 ft.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I desire to attach an addition to my residence, which would permit my son and his family to move into my residence.

To deny this use would prevent me from maintaining this as my primary residence since I am unable to care for the property alone. If this variance is denied, the alternate location of the addition (to the rear of the existing house) would create an extreme hardship in that irreplaceable mature trees and landscaping would be destroyed and the entire septic system would have to be replaced. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Virginia M. Huettner

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

GARY N. HUETTNER

Name

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

GARY N. HUETTNER

Name

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

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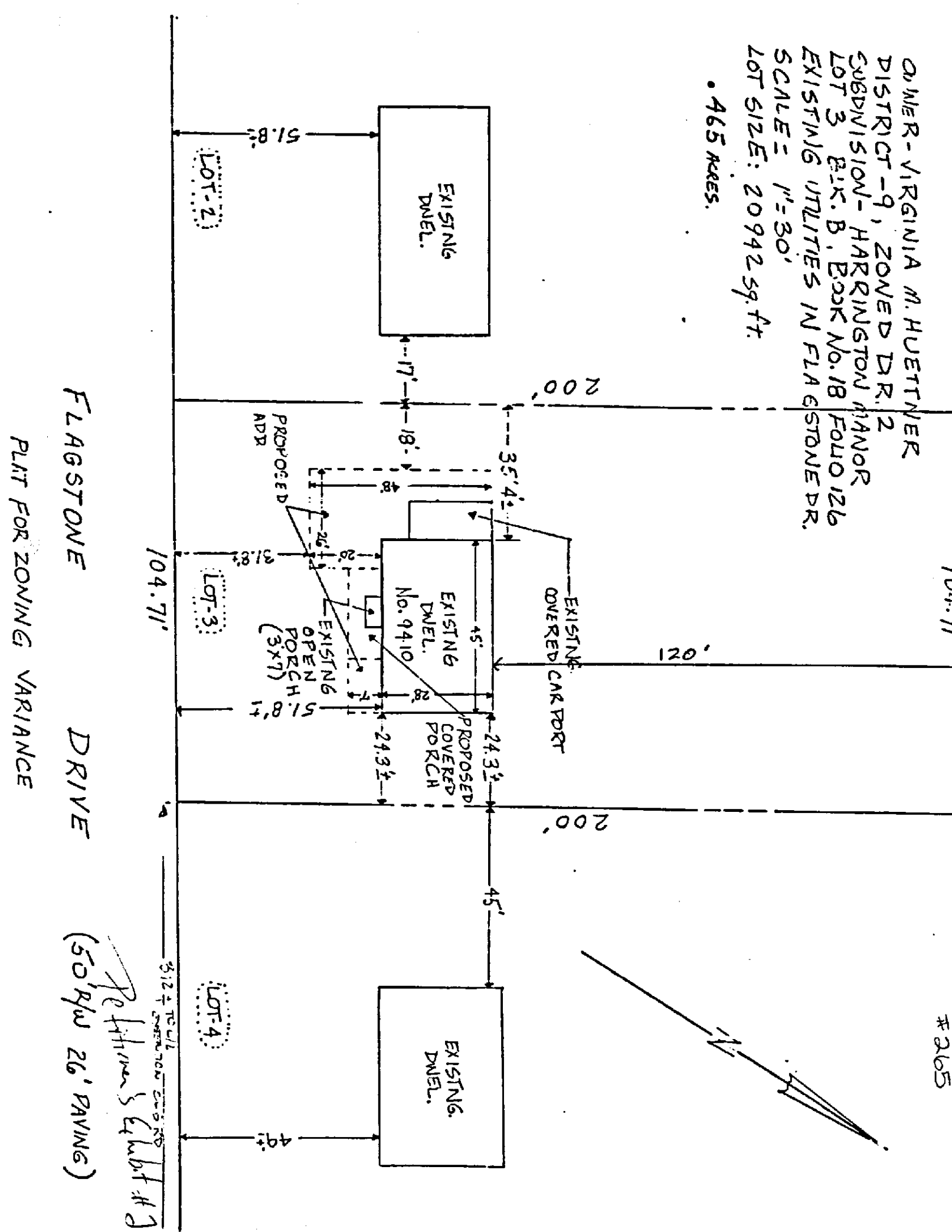
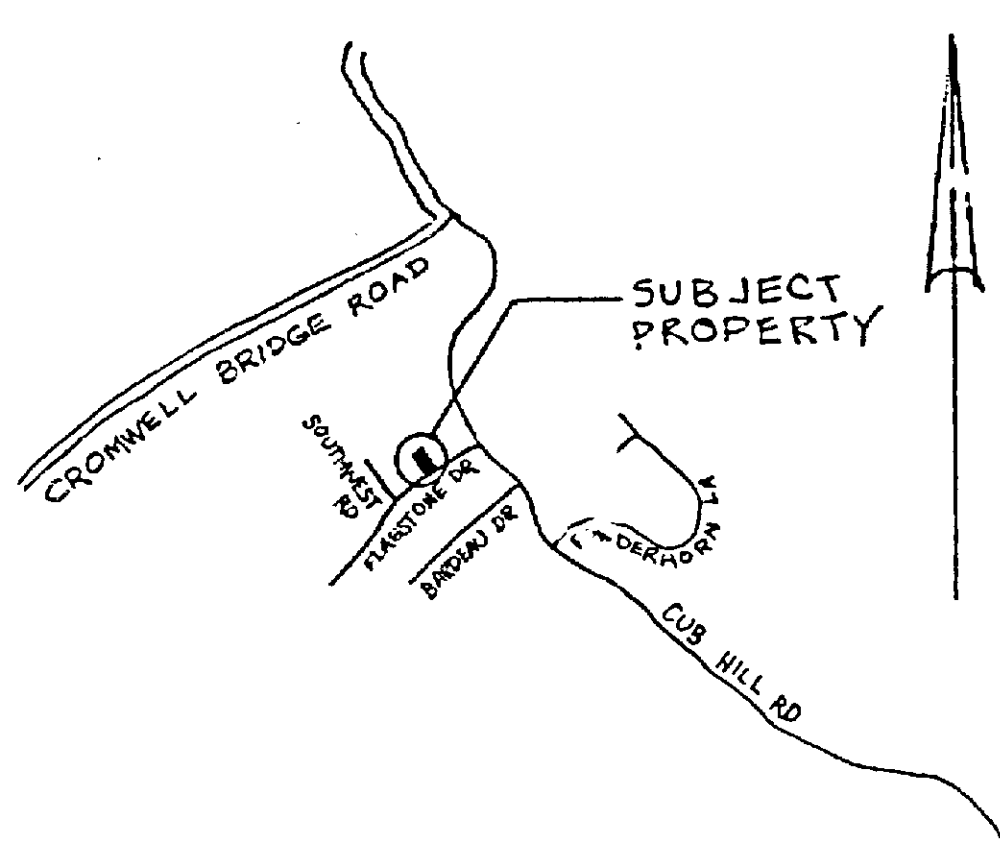
GARY N. HUETTNER

Name

Address

City and State

#265



OWNER-VIRGINIA M. HUETTNER
DISTRICT-9, ZONED DR. 2
SUBDIVISION- HARRINGTON MANOR
LOT 3, EX. B, BOOK 16, 18, 20, 22, 24
EXISTING UTILITIES IN FLAGSTONE DR.
SCALE- 1"=30'
LOT SIZE: 20942.97 sq. ft.
465 ACRES.

89-355-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
4th day of January, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Virginia M. Huettner Received by: James E. Dyer
Petitioner's Attorney Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Ms. Virginia M. Huettner
9410 Flagstone Drive
Baltimore, MD 21234

RE: Item No. 265, Case No. 89-359-A
Petitioner: Virginia M. Huettner
Petition for Zoning Variance

Dear Ms. Huettner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

January 17, 1989

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 210, 259, 260, 261, 262, 263, and 265.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSE/LW

MICROFILMED

Baltimore County
Fire Department
Towson, Maryland 21204 2586
494-4500

Paul H. Reincke
Chief

January 12, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Virginia M. Huettner
Location: N/S Flagstone Dr., 312' SW of c/l of extended
Item No.: 265 Zoning Agenda: Meeting of 1/3/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Patricia Kelly* 1-16-89
Planning Group
Special Inspection Division

NOTED & APPROVED: *J. Robert Haines*
Fire Prevention Bureau

/s/

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 24, 1989
FROM: Robert W. Bowling, P.E.
RE: Meeting of January 3, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting. We have no comments for Items 210, 259, 261, 262, 263, and 265.

For Item 260, The Trustees of Mount Carmel Methodist Episcopal Church the following comment applies:

Mt. Carmel Road is a State Road. Prettyboy Dam Road is an existing County road, which shall ultimately be improved as a 40-foot cross-section on a 60-foot right-of-way. The property owner is responsible to dedicate the right-of-way and necessary slope easements, at no cost to the County.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Encls.

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner Date: March 7, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-308-SFH (Jefferson); 89-318-A (Podles); 89-350-A (Khouzami); 89-354-A (Smith); 89-359-A (Huettner); 89-363-A (Cash); 89-364-A (Kaplan); 89-368-A (Appel); 89-369-A (Mathai); 89-375-A (Vinson); 89-376-A (Cambrill); 89-378-A (Lia); 89-379-A (Freundlich); 89-387-A (Babikow) and 89-393-A (Lubman)

The Office of Planning and Zoning has no comment on the above listed petitions.

PK/sf

RECEIVED
1989
ZONING OFFICE

CPS-008